

# **ELECTRONIC FILING RULES**

**(Revised September 2010)**

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### **RULE 1      SCOPE OF ELECTRONIC FILING**

All cases, civil and criminal, are assigned to the Electronic Case Filing (ECF) system. Attorneys must utilize the ECF system, unless specifically exempted by the court for good cause shown. Pro se filers may, but do not have to, utilize the ECF system. Pro se filers who do not utilize the ECF system shall file all documents with the Clerk of Court by U.S. Mail or personal delivery to the Clerk's Office.

## **RULE 2      ELIGIBILITY, REGISTRATION, PASSWORDS**

Attorneys admitted to the bar of this court, including those admitted pro hac vice and attorneys authorized to represent the United States, must register as Filing Users of the court's ECF system or move for exemption. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, email address, and a declaration that the attorney is admitted to the bar of this court. Registrants will be provided training. The ECF User's Manual is available at all times at [www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov).

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

If the court permits, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the ECF system solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number, and email address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Provided that a Filing User has an internet email address, registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

Once registration is completed, the Filing User will receive notification of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

### **RULE 3      CONSEQUENCES OF ELECTRONIC FILING**

Electronic transmission of a document to the ECF system consistent with these rules, together with the transmission of a “Notice of Electronic Filing” from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Rule 1, a document filed electronically is deemed filed at the date and time stated on the “Notice of Electronic Filing” from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day, unless a specific time is set by the court. Pursuant to Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(c), whenever something is served electronically, three days are added to the prescribed response period.

The filer is responsible for calculating the response time under the federal and/or local rules. The date generated by CM/ECF is a guideline only, and, if the Court has ordered the response to be filed on a date certain, the Court's order governs the response deadline.

## **RULE 4      ENTRY OF COURT ORDERS**

All orders, judgments, minute entries, and notices filed in accordance with these rules will constitute entry on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Text-only entries on the docket, without an attached document, are official and binding. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the document, and it had been entered on the docket in a conventional manner.

## **RULE 5      ATTACHMENTS, EXHIBITS, AND MAXIMUM SIZE OF FILINGS**

All documents must be electronically filed. If the document exceeds 5.0 Mb (5120 Kb), then it must be divided into segments, with the first segment being the main document and all subsequent segments as attachments to the main document. Each segment should not exceed 5.0 Mb.

Service shall comport with Electronic Filing Rule 9.

## **RULE 6      SEALED DOCUMENTS**

Information and documents which a party seeks to protect and/or seal, or which the court has ordered sealed, or which by law must be sealed, shall be electronically filed by attorneys and pro se users. The sealed PDF document must be attached to the event. Filing Users must bear ultimate responsibility for ensuring that information is properly redacted and/or sealed.

## **RULE 7      RETENTION REQUIREMENTS**

Manually signed original documents scanned into the system by the attorney or party must be maintained by the filer for 5 years after final resolution of the action, including final disposition of all appeals. The original hard copy must be produced at any time when ordered by the court.



## **RULE 8      SIGNATURE**

Upon registration, Filing Users automatically endorse their electronic signature for purposes of Federal Rule of Civil Procedure 11 specifically, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure generally, and the local rules. The Filing User's electronic signature also serves as a valid signature for purposes of unsworn declarations pursuant to 28 U.S.C. § 1746, service and filing pursuant to Federal Rule of Civil Procedure 5 and Federal Rule of Criminal Procedure 49, and establishing perjury pursuant to 18 U.S.C. §§ 1621-1623. The "s/" name on the document and the filer's login id must be the same or the document will be stricken.

## **RULE 9      SERVICE OF DOCUMENTS BY ELECTRONIC MEANS**

All electronically filed documents, attachments, and exhibits should include a certificate of service in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules. Electronic service of the “Notice of Electronic Filing” constitutes service of the filed document and satisfies the certificate of service requirement, unless the filing party has actual knowledge of a technical failure resulting in non-receipt of a document.

A paper copy of any electronically filed document should be served upon attorneys who are exempted from utilizing the Electronic Case Filing system, as set out in Electronic Filing Rule 1, and pro se users not registered for electronic service. Service of any conventionally filed document must be made according to the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules, and a certificate of service must be included on the document, indicating the manner in which each party was served.

## **RULE 10 NOTICE OF COURT ORDERS AND JUDGMENTS**

Immediately upon the entry of an order, judgment, minute entry, or notice in an action assigned to the ECF system, the clerk will transmit to Filing Users in the case, in electronic form, a “Notice of Electronic Filing.” Electronic transmission of the “Notice of Electronic Filing” constitutes the notice required by Federal Rule of Civil Procedure 77(d) and Federal Rule of Criminal Procedure 49(c).

## **RULE 11      TECHNICAL FAILURES**

A Filing User whose filing is made untimely as the result of a technical failure may move for appropriate relief from the court. Technical failures cannot extend jurisdictional deadlines. Problems on the filer's end such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware/software problems do not constitute a technical failure or excuse an untimely filing. If a party misses a filing deadline because of such problems, a motion for leave to file *instanter*, accompanied by a signed Declaration stating the reason for missing the deadline, must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. The Court will consider the matters stated in the declaration and order appropriate relief.

## **RULE 12      PUBLIC ACCESS AND FEES**

A person may review at the Clerk's Office filings that have not been sealed by the court. A person may also access the ECF system at the court's Internet site <https://www.ilsd.uscourts.gov/cmecf> by obtaining a PACER login and password. A person who has PACER access may retrieve docket sheets in civil and criminal cases and documents in all civil cases except social security cases and sealed cases. Only counsel of record may retrieve documents in social security cases and sealed cases.

Upon receipt of a "Notice of Electronic Filing," any Filing User will have one opportunity by way of a hyperlink to view and either print or download the document for free. Filing Users who already have electronically accessed a document once will be charged a per page fee from Pacer.

## **RULE 13     HYPERLINKS**

Electronically filed documents may contain the following types of hyperlinks:

1.     Hyperlinks to other portions of the same document; and
2.     Hyperlinks to a location on the Internet that contains a source document for citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither hyperlinks, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanics for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability of any hyperlink.